

Notice of Allowability**Application No.**

10/574,900

Examiner

AIQUN LI

Applicant(s)

KOYANAGI ET AL.

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/12/2010.
2. ☒ The allowed claim(s) is/are 1,3,5,8,9 and 11-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 7/21/2010.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/AIQUN LI/
Examiner, Art Unit 1796

/Timothy J. Kugel/
Primary Examiner, Art Unit 1796

DETAILED ACTION

1. Applicant's amendments to the claims, as well as the declaration under 37 CFR 1.132 of Hotaka Yamamuro and the remarks/arguments, all filed 12 July 2010 have been entered and fully considered.

Response to Amendment and Arguments

2. Applicant's amendment to independent claim 1, incorporating the limitations of claims 2, 4 and 6, overcomes the rejection of claims 1, 9 and 11-17 on the ground of nonstatutory obviousness-type double patenting over US Patent 7374699 (Yamamuro'699). The ODP rejection has been withdrawn.

3. Applicant's arguments, together with the declaration under 37 CFR 1.132 filed 12 July 2010 with respect to the rejections under 35 USC 103(a) have been fully considered. Applicant's argument that the instant composition is unexpectedly superior to EP1266875 (Yamamuro'875) in terms of stable viscosities and lack of segregation in the slurry is supported by the comparative data in the specification and the declaration, therefore is persuasive. The rejection under 35 103(a) of claims 1, 3, 5, 8,9 and 11-17 have been withdrawn.

EXAMINER'S AMENDMENT

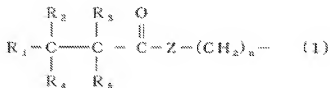
4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Chad M. Rink on 21 July 2010.

The application has been amended as follows:

Claims 3, 5, 8,9 and 11-17 remains the same as amended on 12 July 2010, claim 1 has been amended as follows:

1. (Currently Amended) A surfactant composition comprising a cationic surfactant as compound (A), at least one compound as compound (B) selected from the group consisting of anionic aromatic compounds and bromide compounds, and a cationic polymer (C), wherein compounds (A) and (B) are selected for the surfactant composition when meeting the condition wherein a combination of the compounds (A) and (B) ensures that the viscosity at 20°C of a solution prepared by mixing an aqueous solution SA, which solution has a viscosity of 100 mPa·s or less at 20°C, of compound (A) with an aqueous solution SB, which solution has a viscosity of 100 mPa·s or less at 20°C, of compound (B) in a ratio by weight of 50/50 is at least two times the viscosity of any one of the aqueous solutions at 20°C before being mixed; wherein the cationic polymer (C) has a cation density of from 0.5 to 10 meq/g and a molecular weight of 1,000 to 500,000; wherein the cationic polymer (C) comprises a cationic nitrogen that is bonded with at least one group selected from the group consisting of an alkyl group having 1 to 22 carbon atoms, a polyoxyalkylene group containing an oxyalkylene group having 2 to 8 carbon atoms, a hydrogen atom and a group represented by the following formula (1):



wherein R_1 to R_5 , which may be the same or different, respectively represent a hydrogen atom or an alkyl or alkenyl group having 1 to 22 carbon atoms, Z represents -O- or -NY-, wherein Y represents a hydrogen atom or an alkyl group having 1 to 10 carbon atoms, and n denotes a number from 1 to 10, provided that R_1 and R_3 may be incorporated into the polymer structure and in this case, R_1 and R_3 are not present; and wherein the cationic polymer (C) has a structure derived from a monomer selected from at least one or more monomers selected from the group consisting of a (meth)acrylic acid monomer having a cationic group, ~~a styrene type monomer having a cationic group, a vinylpyridine type monomer, a vinylimidazoline type monomer and a diallyldialkylamine type monomer.~~

Allowable Subject Matter

5. Claims 1, 3, 5, 8, 9 and 11-17 are allowed.
6. The following is an examiner's statement of reasons for allowance:

EP1266875(Yamamuro'875) is the closest prior art.

Applicant's comparative data supported by the original specification and declaration under 37 CFR 1.132 of Hotaka Yamamuro demonstrated the unexpected stable viscosities and lack of segregation superior to Yamamuro'875.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AIQUN LI whose telephone number is (571)270-7736. The examiner can normally be reached on Monday -Thursday, 9:30 am - 6:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on (571)2721398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./
Examiner, Art Unit 1796

/Timothy J. Kugel/
Primary Examiner, Art Unit 1796